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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,565	04/01/2004	Albert A. Alexander	6930-0001-1	1229

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EXAMINER

FRISBY, KESHA

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,565

Applicant(s)

ALEXANDER, ALBERT A.

Examiner

Kesha Frisby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

The correct statement should read "I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations Section 1.56" if this holds true to the applicant.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1-5 have poor line quality. The examiner would suggest having computer-generated drawings done. Please refer to 37 CFR 1.84(m). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because of the word "means". Correction is required. See MPEP § 608.01(b).

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3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 8, 9, 11, 13 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence (U.S. Patent Number 5,681,046) in view of Correa et al. (U.S. Patent Number 5,882,203).

Referring to claims 1 & 11, Lawrence discloses a list of a plurality of personal attributes determined to be significant to a person's quality of life (column 3 lines 41-45); (column 4 lines 40-45); a display representing the established score for each of the personal attributes (column 4 lines 4-8); and wherein the display provides a visual representation

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of the selected person's quality of life with respect to the personal attributes (Figs. 1A, 1B & the associated text). *Lawrence does not disclose means for establishing a score for each of the personal attributes for a selected person and further comprising a computer including a memory, a user interface, a display device and software stored on the memory, wherein the assessment tool is operable on the computer (claim 8).*

However, Correa et al. teaches means for establishing a score for each of the personal attributes for a selected person (column 2 lines 28-32) further comprising a computer including a memory, a user interface, a display device and software stored on the memory, wherein the assessment tool is operable on the computer (Fig. 3 & column 3 lines 15-42) (claim 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include self-evaluation, as disclosed by Correa et al., incorporated into Lawrence in order to allow the subject to evaluate themselves.

Referring to claims 3 & 13, Lawrence, as modified by Correa et al, discloses wherein the list of personal attributes includes at least one of a person's belief in God, health, personal hygiene, family relationships, education (intelligence and education of Lawrence), socio-economic status, political status, patriotic status, interracial relationships or tolerance, ethics, morality, social status, personal relationships (column 3 line 64 – column 4 line 1 of Lawrence), and self-defense skills.

Referring to claim 4, Lawrence, as modified by Correa et al, discloses wherein the assessment tool is a self-assessment tool including wherein a user determines at least one of the plurality of personal attributes or establishes a score for each of the personal attributes. (average for category 32 of Lawrence).

Referring to claim 5, Lawrence, as modified by Correa et al, discloses wherein the means for establishing a score for each of the personal attributes includes, a list of one or more questions related to each of the personal attributes (Figs. 1A & 1B & the associated text of Lawrence).

Referring to claim 9, Lawrence, as modified by Correa et al, discloses wherein the established score for each of the personal attributes is in a range between about 0 and about 10 (average for category 32 of Lawrence).

Referring to claim 14, Lawrence, as modified by Correa et al., discloses wherein the step of establishing a score for each of the personal attributes for a selected person includes reviewing at least one question related to each of the personal attributes of the selected person (Figs. 1A & 1B & the associated text of Lawrence).

6. Claims 2 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence /Correa et al. and further inv view of Ensing et al. (U.S. Publication Number 2003/0009373).

Referring to claims 2 & 10, Lawrence/Correa et al. discloses the assessment tool according to claim 1. *Lawrence/Correa et al. does not disclose further comprising means for designating the established score with a first designation if the established score is equal to or below a predetermined minimum score and a second designation if the established score is above the minimum score and wherein the first and second designations include first and second colors.* However, Ensing et al. teaches further comprising means for designating the established score with a first designation if the established score is equal to or below a predetermined minimum score and a second

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designation if the established score is above the minimum score (paragraph 0057) and wherein the first and second designations include first and second colors (paragraph 0059). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include designating, as disclosed by Ensing et al., incorporated into Lawrence/Correa et al. in order to distinguish between a user's strengths and weaknesses.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence/Correa et al. and further in view of Goknar (U.S. Patent Number 6,120,440).

Referring to claim 6, Lawrence/Correa et al. discloses the assessment tool according to claim 1. *Lawrence/Correa et al. does not disclose wherein the display includes a bar graph.* However, Goknar teaches wherein the display includes a bar graph (column 3 line 63-column 4 line 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include bar graphs, as disclosed by Goknar, incorporated into Lawrence/Correa et al. in order to display the results in graphic form.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence/Correa et al. and further in view of Gan (U.S. publication Number 2002/0197590).

Referring to claim 7, Lawrence/Correa et al. discloses the assessment tool according to claim 1. *Lawrence/Correa et al. does not disclose wherein the display includes an abacus.* However, Gan teaches wherein the display includes an abacus (paragraph 0002). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to include an abacus, as disclosed by Gan, incorporated into Lawrence/Correa et al. in order to provide a quick means to store numbers.

Citation of Pertinent Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Herron (U.S. Patent Number 6,042,383) teaches a portable electronic device for assisting persons with learning disabilities and attention deficit disorders.

Hersh (U.S. Patent Number 2002/0106617) teaches an application of multi-media technology to computer administered vocational personnel assessment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm & Thurs. - Fri. 7-3:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyf

Kyf 6/8/2007


Kathleen Mosser
Primary Examiner
Art Unit 3714